

1
2
3
4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6
7 RODOLFO VALENZUELA,
8 Plaintiff(s),
9 v.
10 FRANCOIS ALVANDI, et al.,
11 Defendant(s).

Case No. 2:24-cv-00760-GMN-BNW
Order

12 Pursuant to the Court's Early Neutral Evaluation ("ENE") Program as outlined in Local
13 Rule 16-6, an ENE session is hereby scheduled to commence at 10:00 a.m. on **June 26, 2024**.¹
14 The ENE will be held remotely by video, with further instructions to be provided at a later date
15 regarding the logistics for appearances.² To facilitate the remote ENE, **the evaluation statements**
16 **must include an email address for each participant.**

17 The following individual(s) are required to appear for the duration of the ENE session:

18 1. At least one attorney of record for each party with full knowledge of the case and who
19 will be participating in the trial;
20 2. All parties appearing *pro se*;
21 3. All individual parties;

22
23
24 ¹ Any request to change the date of the ENE must be made in writing. Absent unexpected
25 circumstances like illness, any such request must be filed within 14 days of the issuance of this
26 order. Such request must include at least five alternative dates on which all required participants
are available to attend the ENE. The parties must meet and confer on such dates prior to the filing
of the request. If the request is not filed as a stipulation, any response must be filed three days
after service of the request.

27 ² While the ENE will be held remotely, counsel and the parties are advised that they are
28 expected to observe proper courtroom decorum, dress appropriately, and appear from a suitable
location (*i.e.*, not in a car).

1 4. In the case of non-individual parties, an officer or representative with binding authority
 2 to settle this matter up to the full amount of the claim; and

3 5. If any party is subject to coverage by an insurance carrier, then a representative of the
 4 insurance carrier with binding authority to settle this matter up to the full amount of the
 5 claim.³

6 Any request for an exception to the above attendance requirements must be filed and served on all
 7 parties within 14 days of the issuance of this order. If the request is not filed as a stipulation, any
 8 response shall be filed three days after service of the request. Requests for an exception must be
 9 supported by a compelling justification for an exception.

10 **PREPARATION FOR ENE SESSION**

11 In preparation for the ENE session, the attorneys for each party, and the parties appearing
 12 *pro se*, if any, shall submit a confidential written evaluation statement for the Court's *in camera*
 13 review. The statements must be bound and tabbed. *Cf.* Local Rule IA 10-1(c); Local Rule IA 10-
 14 3(i).

15 The evaluation statement shall be concise and shall:

- 16 1. Identify by name or status the person(s) with decision-making authority who, in
 17 addition to the attorney, will attend the early neutral evaluation session as
 18 representative(s) of the party, and persons connected with a party opponent (including
 19 an insurer representative) whose presence might substantially improve the utility of the
 20 early neutral evaluation session or the prospects of settlement;
- 21 2. Describe briefly the substance of the suit, addressing the party's views on the key
 22 liability and damages issues;
- 23 3. Address whether there are legal or factual issues whose early resolution would reduce
 24 significantly the scope of the dispute or contribute to settlement negotiations;
- 25 4. Include copies of documents, pictures, recordings, and other evidence out of which the
 26 suit arose, or whose availability would materially advance the purposes of the
 27 evaluation session (e.g., medical reports, documents by which special damages might
 28 be determined);
- 29 5. Discuss the strongest and weakest points of your case, both factual and legal, including
 30 a candid evaluation of the merits of your case;
- 31 6. Estimate the expense (including attorney's fees and costs) of taking this case through
 32 trial;
- 33 7. Describe the history of any settlement discussions and detail the demands and offers
 34 that have been made and the reason settlement discussions have been unsuccessful;

3 ³ Early neutral evaluations are closed to the public. Non-parties, including family
 4 members, are not permitted to attend.

- 1 8. Certify that the party has made initial disclosures under Fed. R. Civ. P. 26(a)(1) and
2 that the plaintiff has provided a computation of damages to the defendant under Fed.
3 R. Civ. P. 26(a)(1)(A)(iii);
4
5 9. Provide the initial settlement proposal that will be presented at the early neutral
6 evaluation with a justification for any monetary amount. The proposal must include
7 any non-monetary settlement terms that will be presented;
8
9 10. Identify all mitigation efforts undertaken by the plaintiff, including the name(s) of any
10 employer(s), the dates of any intervening employment, and the amounts earned from
11 any intervening employment. The statement must also identify any amounts received
12 for unemployment; and
13
14 11. Attach any arbitration provision that does or may apply to the case. The statement must
15 also certify whether the parties have discussed or agreed to arbitration, and identify the
16 pertinent details.
17

10 See Local Rule 16-6(f). **The evaluation statements must also include an email address for**
11 **each participant.**

12 During the course of the ENE session, the undersigned magistrate judge will:

- 13 1. Permit each party (through an attorney or otherwise), orally and through documents or
14 other media, to present its claims or defenses and to describe the principal evidence on
15 which they are based;
- 16 2. Assist the parties to identify areas of agreement and, where feasible, enter stipulations;
- 17 3. Assess the relative strengths and weaknesses of the parties' contentions and evidence,
18 and carefully explain the reasoning that supports them;
- 19 4. When appropriate, assist the parties through private caucusing or otherwise to explore
20 the possibility of settling the case;
- 21 5. Estimate, where feasible, the likelihood of liability and the range of damages;
- 22 6. Assist the parties to devise a plan for expediting discovery, both formal and informal,
23 to enter into meaningful settlement discussions or to position the case for disposition
24 by other means;
- 25 7. Assist the parties to realistically assess litigation costs; and
- 26 8. Determine whether some form of follow-up to the session would contribute to the case-
27 development process or promote settlement.

25 See Local Rule 16-6(g).

26 The evaluation statements must be submitted, in an envelope marked "Confidential,"
27 **directly to the undersigned's box in the Clerk's Office** not later than **3:00 p.m. on June 19, 2024.**

28 **DO NOT SERVE A COPY ON OPPOSING COUNSEL.**

1 The purpose of the evaluation statement is to assist the undersigned magistrate judge in
2 preparing for and conducting the ENE session. In order to facilitate a meaningful session, your
3 utmost candor in providing the requested information is required. The written evaluation
4 statements will not be seen by or shared with the district judge or magistrate judge to whom this
5 case is assigned. The evaluation statements will be seen by no one except the undersigned and her
6 staff.

7 **In addition to the above requirements, the parties and counsel must be substantially
8 prepared to meaningfully participate in the ENE session in good faith.**

9 **FAILURE TO COMPLY WITH THE REQUIREMENTS SET FORTH IN THIS
10 ORDER WILL SUBJECT THE NON-COMPLIANT PARTY AND/OR COUNSEL TO
11 SANCTIONS UNDER FEDERAL RULE OF CIVIL PROCEDURE 16(f).**

12 IT IS SO ORDERED.

13 Dated: April 22, 2024

14
15 
Nancy J. Koppe
United States Magistrate Judge